

FWP Commission Agenda Item Cover Sheet

Meeting Date: May 12, 2011

Agenda Item: Clark Fork/Bitterroot River boating regulations

Action Needed: Tentative

Background The Blackfoot, Bitterroot and Clark Fork rivers are subject to regulations for motor propelled watercraft with exceptions allowed according to time of year, section of river, and/or horsepower (12.11.610 and 12.11.620 ARM). The department is asking the Commission to consider amendments to current regulations on these waters (see maps and proposed rule notice). The purposes for the amendments are to: 1) address social conflicts; 2) address public safety concerns; 3) improve the current rule language; and 4) recognize that regulations pertaining to the Milltown Dam impoundment are no longer appropriate. The sections of river under review include less than 1 mile of the Blackfoot immediately upstream of the Clark Fork, 60 miles of the Clark Fork from the former Milltown site to Fish Creek, and 23 miles of the Bitterroot from Florence Bridge to the Clark Fork (see maps). The rationale for these amendments was brought to the department's attention during the public involvement process for a FAS improvement project on the Clark Fork near Missoula. The public voiced concern about an increase in motorized watercraft. They identified social and public safety concerns attributed to conflicts between motorized watercraft and other users (e.g., fast-moving watercraft in close proximity to swimmers, rafts, innertubes, and drift boats). Some individuals expressed concern about noise around residences. Region 2 staff investigated the validity of these concerns and potential solutions (see below). It should be noted that, from the department's perspective, the amendments are not for the purpose of addressing resource impacts, e.g. bank erosion.

Public Involvement Process & Results Staff reviewed the current regulations and talked with individuals and organizations with an interest in river recreation. There appears to be agreement that conflicts exist between users and warrant attention. Opinions vary as to the best solutions. Staff drafted changes to the regulations and presented them the Region 2 CAC. A subcommittee of the CAC recommended the Commission tentatively adopt regulation changes as required by statewide river recreation rules (see comments from committee members).

Alternatives and Analysis Alternative A: No Action Taken: Use and conflict would likely increase. FWP could be petitioned to respond. Alternative B: Adopt tentative rules and seek public comment. Amendments are intended to resolve social conflicts and safety concerns.

Agency Recommendation & Rationale

Alternative B is recommended. This would enable the Commission to further assess the extent of these conflicts and public support for the proposed solutions. Staff would prepare an EA and conduct a MAPA rulemaking process.

Proposed Motion

"I move that the Commission adopt as tentatives the proposed rule amendments and direct the department to proceed with rulemaking consistent with the Montana Administrative Procedures Act and the statewide river recreation administrative rules."